

Appl. No. 10/535,518
Amdt. dated April 30, 2007
Reply to Office Action mailed November 28, 2006

REMARKS/ARGUMENTS

Claims 12-15 are pending. Claims 1-11 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected **Claims 1-3 and 8-10** under 35 U.S.C. § 102(b) as being anticipated by Gustine (U.S. Patent No. 5,776,014). Applicants have cancelled Claims 1-3 and 8-10. Claim 12 incorporates features from cancelled claims 1, 3, 10 and 11, and recites a golf tee device in which the top of the thread of the tee member gives a visual indication to the user that the tee member has raised its maximum working height. Claim 14 incorporates features from cancelled claims 1, 3 and 4, and recites a buttressed threading. These features are not disclosed or suggested in Gustine and therefore Applicants submit that new claims 12-15 are not anticipated by Gustine.

The Examiner has rejected **Claims 1-3 and 8-11** under 35 U.S.C. § 102(b) as being anticipated by Sibbald (U.S. Patent No. 1,413,496). Applicants have cancelled Claims 1-3 and 8-11. Similar to Gustine above, Sibbald does not teach or suggest a golf tee device incorporating buttressed threading or a means for providing visual indication that the tee member has raised to its maximum working height, and therefore Applicants submit that new claims 12-15 are not anticipated by Sibbald.

The Examiner has rejected **Claims 1-3 and 8-11** under 35 U.S.C. § 102(b) as being anticipated by Ullerich (U.S. Patent No. 5,248,144). Applicants have cancelled Claims 1-3 and 8-11. The bottom of the tee member disclosed in Ullerich is visible from the side through a viewing slot 19, but there is no specific indication of the tee member reaching its maximum working height. Moreover, to a standing golfer, it would be difficult to view slot 19, whereas the thread of the presently recited tee member is clearly visible from above. With further regard to

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Ullerich, new claim 12 requires that the tee member is threaded only along a lower part of its length, unlike the tee member of Ullerich, which is threaded throughout. This enables the top of the threading to become visible to provide a clear indication that the tee member has reached its maximum working height. In light of these differences, Applicants submit that Ullerich does not teach or suggest a golf tee device as claimed in new claims 12-15.

Applicants therefore respectfully request the Examiner's rejections under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Examiner has rejected Claims 4-7 under 35 U.S.C. § 103(a) as being obvious over Gustine in view of Wing (U.S. Patent No. 4,907,926). Applicants have cancelled claims 4-7. As noted above, Gustine does not teach a golf tee device incorporating buttressed threading or a means for providing visual indication that the tee member has raised to its maximum working height, and Wing does not overcome these deficiencies of Gustine. Thus, Applicants submit that the combination of Gustine and Wing does not teach or suggest all of the limitations of new claims 12-15. Furthermore, Applicants submit that there is no disclosure in Wing of the use of a buttressed thread in a vertical configuration, nor is there any suggestion in Wing of use in a golf tee. Therefore, Applicants submit that there is no suggestion in the combination of Gustine and

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Wing that suggest the use of the buttressed threading in the production of a golf tee.

The Examiner has rejected Claims 4-7 under 35 U.S.C. § 103(a) as being obvious over Sibbald in view of Wing. Applicants have cancelled claims 4-7. As noted above, Sibbald does not teach a golf tee device incorporating buttressed threading or a means for providing visual indication that the tee member has raised to its maximum working height, and Wing does not overcome these deficiencies of Sibbald. Thus, Applicants submit that the combination of Sibbald and Wing does not teach or suggest all of the limitations of new claims 12-15. Furthermore, Applicants submit that there is no disclosure in Wing of the use of a buttressed thread in a vertical configuration, nor is there any suggestion in Wing of use in a golf tee. Therefore, Applicants submit that there is no suggestion in the combination of Sibbald and Wing that suggest the use of the buttressed threading in the production of a golf tee.

The Examiner has rejected Claims 4-7 under 35 U.S.C. § 103(a) as being obvious over Ullerich in view of Wing. Applicants have cancelled claims 4-7. As noted above, Ullerich does not teach a golf tee device incorporating buttressed threading or a means for providing visual indication that the tee member has raised to its maximum working height, and Wing does not overcome these deficiencies of Ullerich. Thus, Applicants submit that the combination of Ullerich and Wing does not teach or suggest all of the limitations of new claims 12-15. Furthermore, Applicants submit that there is no disclosure in Wing of the use of a buttressed thread in a vertical configuration, nor is there any suggestion in Wing of use in a golf tee. Therefore, Applicants submit that there is no suggestion in the combination of Ullerich and Wing that suggest the use of the buttressed threading in the production of a golf tee.

Therefore, Applicants submit that there is no suggestion or motivation in the references to incorporate a modified buttress thread as taught by Wing within a golf tee device as described by any of Gustine, Sibbald or Ullerich, and respectfully request that the Examiner's rejections

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under 35 U.S.C. § 103(a) be withdrawn.

Based at least upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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